

REMARKS

In a first amendment after final filed by mailing certificate dated November 4, 2004, allowable dependent claim 2 was rewritten in independent form to incorporate the subject matter of base claim 1, and claims 1, 5 and 7-20 were canceled. As a result of the claim amendments, only independent claim 2 and dependent claims 3-4 which depend on claim 2 remain pending in the application. In the final Office Action, the Examiner indicated that claims 2-4 would be allowable if rewritten in independent form, which was done in the first amendment after final.

Upon review of amended claim 2, an error has been discovered. The error appears in the last "means" clause of the claim, which was the subject matter of dependent claim 2 that had been indicated to be allowable by the Examiner in the final Office Action.

As presented in the first amendment after final, the last "means" clause of claim 2 recites:

means for determining whether the derived numerical data calculation process is possible when one of the characteristic curves is selected by a user for performing the derived numerical data calculation process thereon, and for displaying one of the derived data calculation user interface and the derived data adjustment user interface based on the determination result.

As worded, the claimed "determination result" always shows that the derived numerical data calculation process is possible, in which case the derived data adjustment user interface would never be displayed. This is inconsistent with the disclosure. In accordance with the invention as described in the specification, the "means" determines whether the derived numerical data calculation process is possible when either one of the characteristic curves or one of the derived numerical data values is selected by a user so as to display one of the derived data calculation user interface and the derived data adjustment user interface based on the determination result.

A characteristic feature of the present invention resides in selecting either the characteristic curve or the derived numerical data value and, when the characteristic curve is selected, the derived data calculation user interface is displayed whereas when the derived numerical data value is selected, the derived data adjustment user interface is displayed. This is now correctly recited in amended claim 2, in which the last "means" clause recites:

means for determining whether the derived numerical data calculation process is possible when one of the characteristic curves or one of the derived numerical data values is selected by a user to display one of the derived data calculation user interface and the derived data adjustment user interface based on the determination result.

This "means" clause is described in the specification, for example, on page 8, line 18 - page 9, line 8. It should be noted that "graphical elements" as used throughout the specification comprises the characteristic curves and the derived numerical data. As presently amended, claim 2 correctly describes the invention and is consistent with the description throughout the specification. Further, the correction of claim 2 does not affect patentability, and the totality of the prior art teaching does not disclose or suggest the limitations of independent claim 2.

Consideration of this amendment, which renders claim 2 consistent with the disclosure, does not raise a new issue requiring further search or consideration. On the other hand, the amendment of claim 2 made herein is necessary to conform the claim to the disclosure.

In the event the Examiner determines that something further need be done to place the application in condition for allowance, it is respectfully requested that the Examiner telephone the undersigned attorney at the below-listed number so that any outstanding matter can be promptly attended to.

In view of the foregoing, favorable reconsideration and entry of the first and second amendments after final together with passage of the application to issue are respectfully requested.

Respectfully submitted,

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